

CHAPTER 3

STANDARDS AND INSPECTIONS

California jail standards originated in 1945, at the request of the California State Sheriffs' Association, to help ensure safe and effective operations and protect state, county, city and public interests. That same year, in response to the growing number of delinquent youth placed in local camps, the Legislature made the California Youth Authority (CYA) responsible for prescribing minimum camp standards. In 1955, the Legislature authorized the CYA to establish standards for the operation and maintenance of juvenile halls. The 1995/96 Budget Act transferred responsibility for all local juvenile facilities from the CYA to the BOC.

California's minimum jail and juvenile facility standards cover operational areas such as food, bedding and clothing, and key aspects of confining inmates, including classification and housing; discipline; education and training; fire safety; physical plant; suicide prevention; sanitation; and health care (an increasingly important area due to the increase in mentally ill offenders and new challenges related to communicable diseases).

As required by law, the BOC biennially inspects local adult and juvenile facilities to assess compliance with minimum standards. Inspection results carry substantial independent credibility and have been used by courts, and all parties to litigation, to illustrate the management and operation of facilities in accordance with professional standards.

Standards Revisions

The law requires the BOC to review – and, if necessary, to revise – minimum standards for jail construction and operations every two years. While not mandated by statute, the BOC will also conduct a biennial review of minimum standards for juvenile facilities.

The BOC's standards revision process involves extensive collaboration among state and local subject matter experts who make recommendations for needed changes to the regulations. These recommendations reflect the best professional practices, incorporate new legal requirements from statute and case law, and reduce or eliminate outdated standards.

Shortly after assuming responsibility for juvenile facilities, the BOC undertook a comprehensive review of the minimum standards for these facilities. This process involved an executive steering committee, six task forces and the participation of more than 100 juvenile facility administrators, managers, practitioners, and subject matter experts. The revised Title 15 regulations (minimum operational standards for juvenile detention facilities) took effect in April 1997 and the revised Title 24 regulations (minimum construction standards for local detention facilities) in March 1998.

The next biennial review of these regulations, initiated in June 1998, also utilized a collaborative approach. While the work groups identified some areas needing clarification and revision, the regulations produced via the 1995/96 process overwhelmingly sustained scrutiny. The BOC

anticipates that revised Title 15 regulations will take effect in August 1999 and revised Title 24 regulations in June 2000.

The BOC's 1996/97 review of the minimum jail standards involved an executive steering committee and management task force that examined each standard's fiscal impact, cost effectiveness, and response to contemporary needs. This effort included a review of standards affecting safety/security checks; self-medication; management training; inmate discipline; access to natural light in living areas; and compliance with physical plant standards for pre-1978 facilities. The revised Title 15 regulations became effective in April 1998. The revised Title 24 regulations will become effective in February 1999.

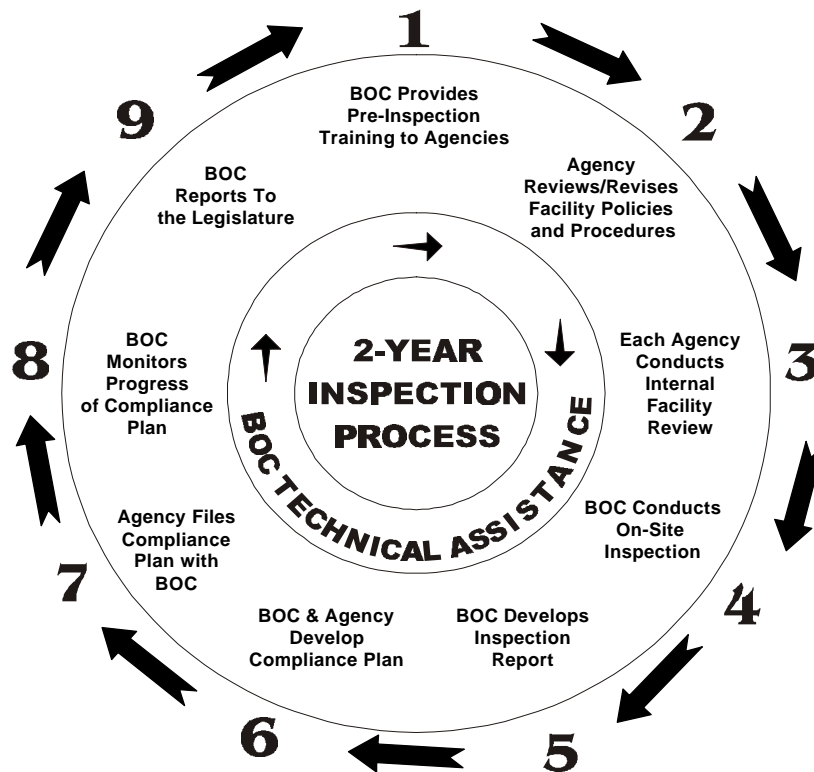
Inspection Process

The BOC's biennial inspection process for California's adult and juvenile detention facilities provides critical information to state and local policymakers and corrections administrators on the condition of local detention facilities.

Developed in collaboration with local detention facility managers, this process is an ongoing "systems approach" that begins with pre-inspection training to agencies. This training provides the materials and information necessary for agencies to complete an internal facility review, which is followed by an on-site inspection by BOC staff. Following completion of the inspection report, BOC staff works with the agency in developing a plan of action for addressing any non-compliance issues and provides technical assistance to the agency in its efforts to meet state standards. The BOC biennially reports the results of this process to the Legislature. Figure Five illustrates the BOC's facility inspection process.

Figure Five

FACILITY INSPECTION PROCESS



Results of Inspections – Adult Jails

The BOC is responsible for inspecting all adult jails (except court and temporary holding facilities built before 1978). In general, results from the past several inspection cycles have shown that jail operations have become increasingly professional and sophisticated, with better managed facilities, better trained staff, more responsive procedures, and improved physical designs. This has increased the rate of compliance, and led to safer, more effective operations. The vast majority of local administrators have demonstrated their intention to operate professional, state-of-the-art jails, despite struggling with severe crowding and fiscal limitations.

The inspection process is dynamic, and the critical issues facing jail administrators change over time. As such, different aspects of jail standards require more focus during various inspection cycles. Results of the 1996/97 inspection cycle are found in Appendix C, which lists adult detention facilities found in full compliance with state standards, and Appendix D, which reports non-compliance by facility name and standard. In reviewing the list of standards most often found in non-compliance, it is important to note that facilities frequently are in non-compliance with only part of the standard, not the entire regulation.

Most Common Areas of Deficiencies

While the majority of local adult detention facilities operate in general compliance with minimum state standards, staffing and crowding have been problems in jail operations for over a decade and continued in the most recent inspection cycle, which found nearly 14 percent of facilities out of compliance with minimum staffing levels that help ensure safe and secure confinement. The most frequently noted deficiencies during this inspection cycle were in the following areas:

- Minimum Diet (lacks required nutritional components);
- Death of a Minor While Detained (inadequate policies and procedures);
- Number of Personnel (inadequate staffing levels);
- Policy and Procedures Manual (missing sections or not updated annually);
- Facility Sanitation, Safety, and Maintenance;
- Court Holding and Temporary Holding Facility Training (failure to meet training standards); and
- Failure to have current fire inspection reports on file.

Type I Facilities, Temporary Holding, and Court Holding Facilities

Type I (city jails and sheriff's substations), temporary holding and court holding facilities generally confine inmates for brief periods of time (96 hours or less). Almost 40 percent of the Type I facilities were out of compliance with minimum diet standards, and 36 percent of temporary holding facilities were out of compliance with training requirements. In addition, nearly one-third of court holding facilities (31 percent) had incomplete or outdated policies and procedures, which open the door to legal attacks and can hinder the safe, efficient operations of the facility.

Almost a quarter (23 percent) of Type I and temporary holding facilities, and 14 percent of court holding facilities, were out of compliance with the standard requiring specific policies and procedures to address the death of a minor in custody.

Over the past two years, an increasing number of Type I and temporary holding facilities have come into compliance with the use of detoxification cells. However, several facilities remain out of compliance because they could not provide a detoxification cell environment for both male and female inebriates. Many jails were constructed with only one detoxification cell during an era when relatively few women were incarcerated. More women are now being arrested, and many facilities are inadequate to safely house male and female inebriates simultaneously. The screening, classification and medical review of inebriates were also areas of non-compliance.

Type II & Type III Facilities

Type II and Type III facilities, typically operated by counties, tend to be larger than city facilities and house inmates for longer duration, often several months for sentenced inmates and second or third strike inmates awaiting disposition of their charges.

Crowding levels contributed to nearly 22 percent of these facilities being out of compliance with standards related to staffing and visual supervision of inmates, about the same percentage found in non-compliance during the previous inspection cycle.

The next most common deficiency relates to sanitation and maintenance issues. One-fifth of all Type II facilities (21 percent) were out of compliance with standards designed to maintain jails in a safe, healthful manner. There appears to be a relationship between adequate staffing, jail management, crowding and facility cleanliness. In the past, inmate workers were often used to clean the facilities. With the housing of more serious and higher security risk inmates, the population that can be safely allowed to work in facilities has been reduced.

Almost 15 percent of the Type II facilities did not have a current fire inspection report on file at the time of the BOC inspection. Failure to maintain currency with fire and life safety regulations places jurisdictions in a high liability position. In the past, a frequent deficiency was the lack of written policies and procedures. Fortunately, this situation has improved, with only 9 percent of the Type II facilities found in non-compliance with this standard.

Results of Inspections – Juvenile Halls and Camps

This was the BOC's first complete inspection cycle for juvenile halls and camps. Many of these facilities had not been inspected for years, and the minimum standards for juvenile facilities had been updated and revised in 1995/96. Thus, it is not surprising that there were a number of non-compliance issues related to policies and procedures. However, given the level of professionalism and dedication demonstrated by most of the staff in these facilities, the BOC anticipates a much higher rate of compliance in the next inspection cycle.

Specific results of the 1996/97 inspection cycle are found in Appendix E, which lists areas of compliance and non-compliance by juvenile facility and standard. Like jails, juvenile facilities quite often are in non-compliance with only part of the standard, not the entire regulation.

Most Common Areas of Deficiencies

The majority of local juvenile facilities operate in general compliance with minimum state standards. As with jails, the most common deficiency for juvenile halls and camps in the 1996/97 inspection cycle stemmed from crowding levels. Over 29 percent of the juvenile halls and over 35 percent of the camps had insufficient space in one or more of the following areas: sleeping rooms, dormitories, dayrooms, and/or classrooms. The most frequently noted deficiencies in juvenile facility operations statewide related to:

- Juvenile Hall Space Requirements (physical plant deficiencies);
- Camp Space Requirements (physical plant is deficient in one or more areas);
- Policy and Procedures Manual (missing sections or not updated annually);
- Death of a Minor While Detained (inadequate policies and procedures);
- Failure to have current medical/mental health inspection reports on file;
- Orientation (inadequate policies and procedures);

- Use of Force (inadequate policies and procedures);
- Discipline Process (inadequate policies and procedures);
- Staffing (inadequate staffing levels);
- Child Supervision Staff Training (inadequate training); and
- Assessment and Plan (failure to provide minors within 30 days after commitment).

Juvenile Halls

A juvenile hall is a county facility designed for the reception and temporary care of detained minors. Generally speaking, minors are held in juvenile halls an average of 30 days, depending on the facility resources related to housing minors.

As previously noted, the most common deficiency for juvenile halls in 1996/97 was insufficient space (over 29 percent were out of compliance with physical plant standards). Another frequent deficiency was the failure to provide an assessment and plan for each minor within 30 days after commitment. Fifteen percent of the juvenile halls were out of compliance with this regulation, which requires an assessment of the minor's problems (e.g., substance abuse history) and needs (e.g., education, vocational training, counseling, family reunification), and a plan describing how the issues identified in the assessment will be addressed.

In addition, 12 percent of the juvenile halls had incomplete or outdated policies and procedures. Specific areas that were deficient in policies and procedures include: the death of a minor in custody; orientation; use of force; and the disciplinary process.

Camps

A juvenile camp (or ranch, forestry camp or boot camp) is a county facility designed for minors who are declared wards of the court (pursuant to Section 602, Welfare and Institutions Code) and determined to require commitment in a local facility. Generally, the length of stay in a camp is six months to one year.

The impact of crowding on camps is evident in the fact that over one-third of these facilities (35 percent) failed to meet physical space requirements during FY 1996/97. The next most common deficiency was the failure to have current medical and/or mental health inspection reports on file. About 15 percent of the camps were out of compliance with this regulation. In addition, a relatively small number of camps (8 percent) had inadequate policies and procedures for the death of a minor in custody, orientation, use of force, and the disciplinary process.

Estimated Costs of Compliance for Adult and Juvenile Detention Facilities

Counties and cities potentially incur three types of costs to fully comply with state standards and meet bed space demands.

1. **Operational costs** (staffing, supervision, services, programs, policies, routine maintenance, etc.).

The amount of local dollars necessary to remedy non-compliance with operational standards is unknown. The greatest additional cost would likely be for hiring and retaining additional personnel to remedy staffing deficiencies. Counties and cities might also incur expenses for ongoing facility maintenance, staff training and development, and procedural upgrades.

2. **Physical plant upgrade costs** (meeting current space standards and construction codes; repairing and remedying dilapidation).

The BOC estimates that it would cost counties and cities over \$1.2 billion to bring existing detention facilities up to current physical plant standards. These costs would include providing sufficient detoxification and safety cells; replacing non-functional beds; making repairs; and remedying engineering deficiencies.

3. **New construction costs** (adding bed space to existing facilities or building additional facilities to meet bed space demands).

The BOC estimates that over \$3.3 billion will be needed to add 55,500 more local adult jail beds and 6,000 local juvenile facility beds in the next 10 years. This amount does not include the cost of replacing beds due to age and dilapidation.